IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2391 of 2005

Between:

Smt. S. Sesharathnam, W/o. Late Apparao,
R/o. gowthaminagar, D.No.9-122, Kothapeta, E.G.District.

... PETITIONER

AND

1 The Grama Panchayath, Grama Sachivalayam,
rep. by its Secretary, Kothapeta, E.G.District.
2 The District Panchayath Officer, Kakinada, E.G.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or Mandamus, or any other appropriate writ, order or directions, declaring the proposed action of the respondents in trying demolish the House bearing Door, No. 9-122, Gowthaminagar, Kothapeta, E.G.District as illegal, arbitrary violative of principles of natural justice and also Art. 21 of the Constitutional of India, consequential order directing the 1st respondent not to proceed with the impugned action of demolition in respect of D.No.9-122, Gowthaminagar, Kothapeta, E.G.District.

Counsel for the Petitioner:MR.CH.DHANAMJAYA

Counsel for the Respondent No.1: MR.DANTU.SRINIVAS

Counsel for the Respondent No.2: G.P.FOR PANCHAYAT RAJ

The Court at the admission stage made the following :

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O R D E R:

The petitioner claims that she constructed a building with ground and first floor at Gowthaminagar, Kothapeta village of East Godavari District, in the year 2001, after obtaining permission dated 18.03.2001 from the first respondent. She also claims that she made an application for grant of permission for making construction of second floor, on the existing building, and since no reply was given to it for a quite considerable time, she proceeded with the construction of second floor also. Her grievance is that the respondents are trying to demolish the same, without issuing any notice, and without initiating any proceedings, and she seeks appropriate directions in this regard.

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner has placed before this Court a copy of the construction permission, dated 18.03.2001. The petitioner claims to have constructed the building, strictly in accordance with the sanction plan. Even assuming that the petitioner had deviated from the sanction plan, or had made any construction without permission, the respondents can proceed against such construction, only after issuing a notice, as provided for under the relevant provisions of the A.P. Panchayat Raj Act. They cannot demolish any structure without issuing any notice.

Hence, the writ petition is disposed of, directing that the respondents shall not demolish any construction undertaken by the petitioner, without issuing any notice. There shall be no order as to costs.

29th April 2005

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To

1 The Secretary, Grama Panchayath, Grama Sachivalayam,
Kothapeta, E.G.District.
2 The District Panchayath Officer, Kakinada, E.G.District.

3 Two C.Cs. to the Government Pleader for Panchayat Raj,

High Court buildings, Hyderabad (OUT)

4 Two C.D.copies